



2023:CHC-OS:176

ORDER SHEET

OD-31

IA No. GA/6/2024
In
CS/300/2003
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

B. K. ENGINEERING WORKS
VERSUS
THE KOLKATA MUNICIPAL CORPORATION.

BEFORE:

The Hon'ble JUSTICE BIVAS PATTANAYAK

Date: 16th August, 2024.

Appearance:
Mr. Altamash Alim, Adv.
Mr. Swapan Kumar Debnath, Adv.
For K.M.C.

Ms. Sananda Mukhopadhyay, Adv.
For the Receiver through virtual mode.

The Court :- This is an application for seeking direction upon the Receiver to hand over the sale proceeds together with accrued interest in favour of the defendant.

Mr. Altamash Alim, learned advocate for the defendant, submits that pursuant to order passed by this Court the vessel-in-question has been sold and the sale proceeds has been kept with the Receiver under a fixed deposit scheme. The suit of the plaintiff has been dismissed for default on 6th January, 2023. He



seeks that the amount lying in the fixed deposit be transferred to the Kolkata Municipal Corporation.

By order dated 8th March, 2004, the following order was passed:

“Upon hearing the respective contentions of the parties, I direct the Kolkata Municipal Corporation to pay a sum of Rs. 4,00,000/- to the plaintiff on account of cost of repair within a period of two months from date. Upon payment of the said sum of Rs.4,00,000/- the plaintiff would forthwith hand over the vessel, M.V.Jalabahee to the Corporation authorities. The balance claim of the plaintiff would be decided in the suit. The sole defendant, Kolkata Municipal Corporation would be at liberty to file written statement within four weeks from date. Cross order for discovery within four weeks thereafter. Inspection forthwith. Let the suit appear in the monthly list of July 2004 before the appropriate regular Bench for hearing.

In default of payment of Rs.4,00,000/- within two months from date, the plaintiff would be entitled to ask for sale of the vessel-in-question in an appropriate application”.

It appears to this Court that before considering the prayer of the defendant-Kolkata Municipal Corporation, the notice along with the copy of the application be served upon the respondent/plaintiff.

Learned advocate for the defendant is directed to serve notice to the plaintiff as well as their learned advocate-on-record.

List this matter on 6th September, 2024.

(BIVAS PATTANAYAK, J.)